

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year)	See form PCT/ISA/210
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Applicant's or agent's file reference SERVIRTUEL		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/IB2006/000187	International filing date (day/month/year) 01.02.2006	Priority date (day/month/year) 01.02.2005	
International Patent Classification (IPC) or both national classification and IPC H04L29/06 H04L12/18 H04L12/28			
Applicant AWOX SA			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing
 - ☐ contained in the international application as filed
 - ☐ filed together with the international application in electronic form
 - ☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)		Claims <u>1-28</u>	YES
		Claims _____	NO
Inventive step (IS)		Claims <u>1-28</u>	YES
		Claims _____	NO
Industrial applicability (IA)		Claims <u>1-28</u>	YES
		Claims _____	NO
2. Citations and explanations:			
<p>1. Reference is made to the following documents:</p> <p style="margin-left: 40px;">D1: US 2004/088731 A1 (PUTTERMAN DANIEL ET AL) 6 May 2004 (2004-05-06)</p> <p style="margin-left: 40px;">D2: US 6 182 094 B1 (HUMPLEMAN RICHARD JAMES ET AL) 30 January 2001 (2001-01-30)</p> <p>2. Document D1 (see in particular paragraphs [0009]-[0011], [0021]-[0026], [0032]-[0036] and figures 3, 4, 6 and 7), which is considered to be the closest prior art to the subject matter of claim 1, describes a method and device for data exchange between devices connected to a network, characterised in that it comprises a step for the search (paragraphs [0009]-[0011] and [0036]), by each of at least two devices, for at least one type of media representing at least one physical entity and directly accessible by said device, a step for the transmission (figures 3 and 4, paragraph [0036]) by each device that has performed the search step, to at least one other device capable of handling said type of media, of a list representing media found on said device during the search step.</p>			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

- 2.1 D1 differs from the subject matter of claim 1 in that there is no step for the aggregation, by each device that has performed the search, of the lists of media found and/or received independently from the device on which the media are located.
- 2.2 The problem that the present invention is intended to solve may therefore be considered to be that of aggregating lists of media on devices connected to a network.
- 2.3 Document D1 describes an aggregation step performed only by the device that has performed the step of searching through devices connected to a network (figures 3 and 4, paragraph [0036]). Document D2 describes a central aggregation of lists of media (column 17, lines 18-28).
- 2.4 None of the documents cited, considered alone or in combination, discloses a step for the aggregation, by each device that has performed the search, of the lists of media found and/or received independently from the device on which the media are located. Consequently, claim 1 meets the requirements for novelty and inventive step according to PCT Article 33(1)-(4).
- 2.5 Claims 2-14 are dependent on claim 1 and, as such, also satisfy the requirements of the PCT with regard to novelty and inventive step.

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
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3. The same argument applies to (device) **claim 15**,
which represents the same combination of features
as claim 1, but in the form of a device.
Consequently, the subject matter of claims 16-28
also meets the requirements for novelty and
inventive step according to PCT Article 33(1)-(4).

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. The features appearing in claims 15-28 do not include reference signs placed in parentheses (PCT Rule 6.2(b)).
2. Contrary to the provisions of PCT Rule 5.1(a)(ii), the description does not indicate the relevant prior art disclosed in documents D1-D2 and does not cite these documents. Given the teachings of document D1, the statement of the problem that the invention is intended to solve will have to be modified (PCT/GL/SPE/1 5.33, 5.40).
3. Independent claims 1 and 15 are not presented in the two-part form as required by PCT Rule 6.3(b), which would be appropriate in the present case, with the features known in combination from the prior art (D1) being placed in the preamble (PCT Rule 6.3(b)(i)) and the remaining features being placed in the characterising part (PCT Rule 6.3(b)(ii)).